

Atty Dkt No.: EMPIR-042PUS

Form PTO-1595 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002)		RECORDATION FORM COVER SHEET <b>PATENTS ONLY</b>	U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office
Tab settings <input type="button" value="=&gt;"/> <input type="button" value="=&lt;"/> <input type="button" value="=&gt;&lt;"/>			
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.			
1. Name of conveying party(ies): Wesley C. Hand, Jr. Mark Trumpler Eric Noorda Albert Seeley  Additional name(s) of conveying party(ies) attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		2. Name and address of receiving party(ies) Name: <u>Emplix Inc.</u>  Internal Address: _____   Street Address: <u>1430 Main Street</u>   City: <u>Waltham</u> State: <u>MA</u> Zip: <u>02451</u>	
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____  8/28/01, 8/29/01, 9/20/01, 9/4/01, 10/09/01, 1/28/02, 8/29/01 Execution Date: _____		     Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
4. Application number(s) or patent number(s):  If this document is being filed together with a new application, the execution date of the application is: _____		A. Patent Application No.(s) <u>09/943,640</u>  B. Patent No.(s)  Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name and address of party to whom correspondence concerning document should be mailed:  Name: <u>Daly, Crowley &amp; Mofford, LLP</u>  Internal Address: _____   Street Address: <u>275 Turnpike Street, Suite 101</u>   City: <u>Canton</u> State: <u>MA</u> Zip: <u>02021-2310</u>		6. Total number of applications and patents involved: <u>1</u>  7. Total fee (37 CFR 3.41).....\$ <u>40.00</u>  <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account	
8. Deposit account number:  <u>500845</u>  (Attach duplicate copy of this page if paying by deposit account)			
<b>DO NOT USE THIS SPACE</b>			
9. Statement and signature.  To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.			
David W. Rouille <u>Reg. No. 40,150</u> Name of Person Signing		<u>David W. Rouille</u> Signature	
Total number of pages including cover sheet, attachments, and documents: <u>12</u>  Mail documents to be recorded with required cover sheet information to: Commissioner of Patents & Trademarks, Box Assignments Washington, D.C. 20231			

O I P E  
MAR 25 2002

## CONTINUATION SHEET

Atty Dkt No.: EMPIR-042PUS

Form PTO-1595 - Continuation  
(Rev. 03/01)

OMB No. 0651-0027 (exp. 5/31/2002)

Tab settings:   RECORDATION FORM COVER SHEET  
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of additional conveying party(ies):

Kathy Campbell  
 Nathan W. David  
 Peter Savage

Additional name(s) of conveying party(ies) attached?  Yes  No

## 2. Name and address of additional receiving party(ies)

Name: \_\_\_\_\_

Internal Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_Street Address: \_\_\_\_\_  
 \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name: \_\_\_\_\_

Internal Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_Street Address: \_\_\_\_\_  
 \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Additional name(s) & address(es) attached?  Yes  No

## 4. Additional application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

B. Patent No.(s)

Additional number(s) or patent number(s)?  Yes  No

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 Washington, D.C. 20231

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02/22/02

## ASSIGNMENT

Whereas I, the undersigned, Wesley C. Hand, Jr., Mark Trumpler, Eric Noorda, Albert Seeley, Kathy Campbell, Nathan W. David, and Peter Savage hereby have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled, **RUN-TIME GRAPHICAL PROGRAMMING TOOL FOR TESTING NON-DETERMINISTIC EVENTS** identified as Attorney Docket No. EMPIR-042PUS. In the event that the execution date August 28, 2001, filing date August 30, 2001 and/or Application No. 09/943,640 are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys at Daly, Crowley & Mofford, LLP, 275 Turnpike Street, Suite 101, Canton, MA 02021-2310, to insert above the execution date, filing date and/or Application No. of said application.

Whereas, Empirix Inc., a Delaware corporation having a place of business at 1430 Main Street, Waltham, MA 02451, and which, together with its successors and assigns, is hereinafter called "Assignee," is desirous of acquiring the title, rights, benefits and privileges hereinafter recited;

Now, therefore, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservation:

1. Assign, transfer and convey to Assignee the entire right, title and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation, reissue, re-examination and Convention applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues, reexaminations, and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;
2. Authorize Assignee to file patent applications in any or all countries on any or all of said inventions and discoveries in our names or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise;
3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title and interest therein or otherwise as Assignee may direct;

PATENT  
Attorney Docket No. EMPIR-42PUS

4. Warrant that we have not knowingly conveyed to others any right in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance;

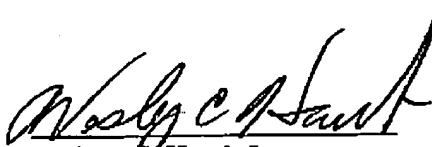
5. Bind our heirs, legal representatives and assigns, as well as ourselves, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to us or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us, our heirs, legal representatives and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in our control or in the control of our heirs, legal representatives or assigns which may be useful for establishing the facts of our conceptions, disclosures, and reduction to practice of said inventions and discoveries.

In testimony of which we have executed this Assignment as an instrument under seal on the dates indicated next to our names.

State or Commonwealth of Massachusetts

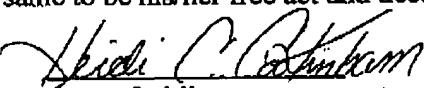
County Middlesex

Dated 8/28/01

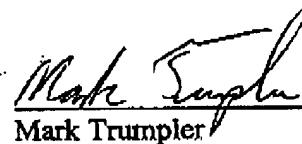
  
Welsey C. Hand, Jr.

On this 28<sup>th</sup> day of August, 2001, before me appeared Welsey C. Hand, Jr., to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she acknowledged the same to be his/her free act and deed.

HEIDI C. COOKINHAM  
Notary Public  
My Commission Expires  
September 20, 2007

  
Heidi C. Cookingham  
Notary Public

[seal]

PATENT  
Attorney Docket No. EMPIR-42PUSState or Commonwealth of MassachusettsCounty MiddlesexDated Aug. 29, 2001  
Mark Trumpler

On this 29<sup>th</sup> day of August, 2001, before me appeared Mark Trumpler, to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she acknowledged the same to be his/her free act and deed.

  
Heidi C. Cookingham  
Notary Public

[seal]

HEIDI C. COOKINHAM  
Notary Public  
My Commission Expires  
September 20, 2007

PATENT  
Attorney Docket No. EMPIR-42PUS

State or Commonwealth of New Hampshire

County Hillsborough

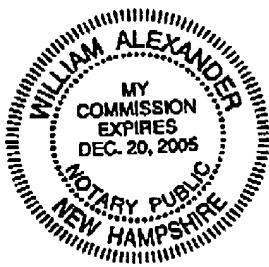
Dated 9/20/01

  
Eric Noorda

On this 20<sup>th</sup> day of Sept., 2001, before me appeared Eric Noorda, to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she acknowledged the same to be his/her free act and deed.

  
Notary Public

[seal]

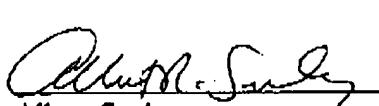


PATENT  
Attorney Docket No. EMPIR-42PUS

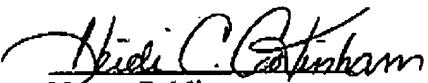
State or Commonwealth of Massachusetts

County Middlesex

Dated 9/4/2001

  
Albert Seeley

On this 4th day of September, 2001, before me appeared Albert Seeley, to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she acknowledged the same to be his/her free act and deed.

  
Heidi C. Cookingham  
Notary Public

[seal]

HEIDI C. COOKINHAM  
Notary Public  
My Commission Expires  
September 20, 2007

PATENT  
Attorney Docket No. EMPIR-42PUS

State or Commonwealth of Massachusetts

County Middlesex

Dated Oct. 9, 2001

Kathy Campbell  
Kathy Campbell

On this 9<sup>th</sup> day of October, 2001, before me appeared Kathy Campbell, to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she acknowledged the same to be his/her free act and deed.

David W. Rouille  
Notary Public

[seal]

DAVID W. ROUILLE  
Notary Public  
My Commission Expires  
September 20, 2007

PATENT  
Attorney Docket No. EMPIR-42PUS

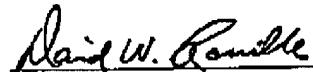
State or Commonwealth of Massachusetts

County Middlesex

Dated 1/25/02

  
Nathan W. David

On this 25<sup>th</sup> day of January, 2002, before me appeared Nathan W. David, to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she acknowledged the same to be his/her free act and deed.

  
David W. Rouille  
Notary Public

[seal]

DAVID W. ROUILLE  
Notary Public  
My Commission Expires  
September 20, 2007

PATENT  
Attorney Docket No. EMPIR-42PUS

State or Commonwealth of New Hampshire

County Hillsborough

Dated 8/29/2001

  
Peter Savage

On this 29 day of August, 2001, before me appeared Peter Savage, to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she acknowledged the same to be his/her free act and deed.

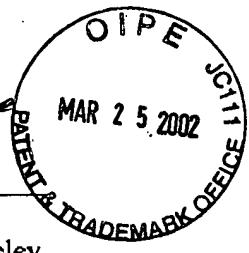
Marilyn Savage  
Notary Public

MARILYN F. SAVAGE, Notary Public  
My Commission Expires June 24, 2003

[seal]

**DECLARATION AND POWER OF ATTORNEY FOR  
UNITED STATES LETTERS PATENT APPLICATION**

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02/20/02



As a below-named inventor, I, Wesley C. Hand, Jr., Mark Trumpler, Eric Noorda, Albert Seeley, Kathy Campbell, Nathan W. David, and Peter Savage hereby declare that:

My residence, post-office address and citizenship are as stated below next to my name.

I believe I am an original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: RUN-TIME GRAPHICAL PROGRAMMING TOOL FOR TESTING NON-DETERMINISTIC EVENTS the specification which is attached hereto and identified as Attorney Docket No. EMPIR-042PUS.

I hereby state that I have reviewed and understand the contents of the above-identified application specification, including the claims, as amended by any amendment specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Country	Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC §119
			_ Yes   No _
			_ Yes   No _

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS  
FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**


Patent  
Attorney Case No. EMPIR-042PUS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC §119(e)
		<u>  </u> Yes <u>  </u> No <u>  </u>
		<u>  </u> Yes <u>  </u> No <u>  </u>
		<u>  </u> Yes <u>  </u> No <u>  </u>

I hereby claim the benefit under Title 35, United States Code §120, of the United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (month, day, year)	Status (Patented/Pending/Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

Christopher S. Daly	Reg. No. 37,303
Judith C. Crowley	Reg. No. 35,091
Donald F. Mofford	Reg. No. 33,740
Paul D. Durkee	Reg. No. 41,003
Barry Gaiman	Reg. No. 42,562
Richard M. Sharkansky	Reg. No. 25,800
David W. Rouille	Reg. No. 40,150
Kermit Robinson	Reg. No. P-48,734

Patent  
Attorney Case No. EMPIR-042PUS

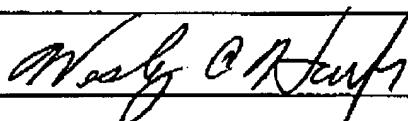
all of Daly, Crowley & Mofford, LLP, 275 Turnpike Street - Suite 101, Canton MA 02021-2310, jointly, and each of them severally, my attorneys at law, with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all telephone calls and address all correspondence to:

David W. Rouille  
Daly, Crowley & Mofford, LLP  
275 Turnpike Street - Suite 101  
Canton, MA 02021  
Telephone No. (781) 401-9988  
Facsimile: (781) 401-9966

Full name of first or sole Inventor  
Wesley C. Hand, Jr.

Inventor's Signature



Date

8/28/01

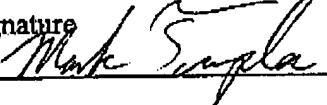
Residence

14 Dan Hill Road, Londonderry, NH 03053

Country of Citizenship

United States

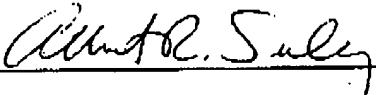
Patent  
Attorney Case No. EMPIR-042PUS

Full name of second Inventor Mark Trumpler	
Inventor's Signature 	Date August 29, 2001
Residence 19 Ingleside Road, Lexington, MA 02420	
Country of Citizenship United States	

Patent  
Attorney Case No. EMPIR-042PUS

Full name of second Inventor Eric Noorda	
Inventor's Signature 	Date 9/20/01
Residence 62 Tater Street, Mont Vernon, NH 03057	
Country of Citizenship United States	

Patent  
Attorney Case No. EMPIR-042PUS

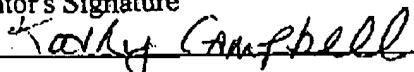
Full name of second Inventor Albert Seeley	
Inventor's Signature 	Date 9/4/2001
Residence 5 Brenda Lane, Burlington, MA 01803	
Country of Citizenship United States	

Patent  
Attorney Case No. EMPIR-042PUS

Full name of second Inventor

Kathy Campbell

Inventor's Signature



Date

11/30/01

Residence

19 West Tapley Road, Lynnfield, MA 01940

Country of Citizenship

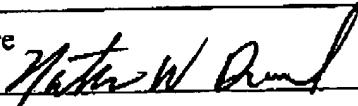
United States

Patent  
Attorney Case No. EMPIR-042PUS

Full name of second Inventor

Nathan W. David

Inventor's Signature



Date

1/15/2002

Residence

10905 Whitworth Court, Jacksonville, Florida 32225

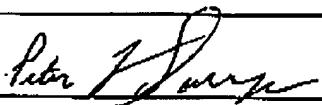
Country of Citizenship

United States

Patent  
Attorney Case No. EMPIR-042PUS

Full name of second Inventor  
Peter Savage

Inventor's Signature



Date

8/29/2001

Residence

6 Westgate Road, Mont Vernon, NH 03057

Country of Citizenship

United States